1

File No. AFD 49 FAT 70

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department ALT Section Forest B

Subject:— Withdrawal of Notification issued under Sec. 35 of the Indian Forest Act 1927 - S. no. 114 of B.K. Shigigatti, Kalghatgi TQ.

Earlier References :—

Later References :—

30-3-70
9-12-70

(Classification A/B/C)
9-12-70

Notes Pages..... 2.....
Correspondence Pages..... 10.....
For/Not for Section Note Book
To be destroyed after..... 4 yrs.

28/12/70
Under Secretary to Government.

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಬಂದರು ಮತ್ತು ಜಲ
ಸಾರಿಗೆ ಇಲಾಖೆ (ಅರಣ್ಯ)

A
1.4104

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DOCKET SHEET

Department: A.D.F.

Section: Forest B

File No.: AFD 49 FAF 70

Volume:

SUBJECT

Withdrawal of Notification issued under Section 35 of the Indian Forest Act, 1927. — S.No. 114 of B.K. Shigigatti, Kalghatgi Tq..

Number and date	To whom sent	Instructions
1	2	3
3/XI/70	D S	
Min. of St. Forests, No. 1926 Date. 6/11	Secy A & F.	
Secy., A. & F. No. 2773 Date 11-11-70		

[P.T.O.

AFD 49 FAF 70

3

Sl. No. 1 (Receipt)

No. B-3/95/GFL/2947/69-70 dt. 2-4-70 from the C.C.F. Bangalore

Note No. 1

(1) A draft letter to the C.C.F. is put up for approval at Sl. No. 2/Page 3.

30-3-70

Issue by Accepted

[Case papers are placed below]

Sl. No. 2 (Issue)

G.L. dt. 2-4-70 to the C.C.F.

2-4-70

Sl. No. 3 (Receipt)

No. B-3/95/GFL/2947/69-70 dt. 6-10-70 from the C.C.F. (1)

Note No. 2

The erstwhile Govt. of Bombay by their Notification (1) No. PRF 1053 dt. 16-9-55 had brought Survey No. 114 in village Bk. Shigigatti under the control of their Forest Deptt. Consequently,

(1) Page 5

AFD 49 FAF 70

certain acts as specified on pages 4 & 5 were prohibited in the said Sy. No. (forest area).

(2) Now, the concerned persons desire to bring the area under cultivation. According to the Rules framed by the former Bombay Govt; if the owner of the forest land desires to bring the area under cultivation, the Forest Deptt. need not ordinarily object unless the cultivation would lead to serious soil erosion, vide please 'A' on page 7.

(3) The D.F.O, Sharwar, reports that the area in question is almost plain and as such no soil erosion will take place. He has categorically stated that since this is a

piece of land it is not advantageous to keep the area under the Forest Deptt., vide please ~~6~~ 8 on page 7. Moreover, it is stated that this particular Sy. No. is surrounded by malki lands which are under cultivation.

4) Both, the C. of F., Belgaum Circle, and the C.C.F.-(S) have recommended that the Notification issued by the former Bombay Govt. may be rescinded. A draft Notification is at page 9. It is in the form given by L.D. in a similar case. Hence, reference to L.D. is not necessary. In such cases, consultation with R.D. is not necessary.

5) The draft may issue after approval.

7773

[Records are placed below]

9/10-70

Dy. Secy. A&RP No. 6792

Sec 12/11/70

D.S. 27.X.70

2/11.

11/11 Sec A (FF)

D.S. 11/11/70 Approved. 11/11

Sec 3/11/70

Issued 12/11/70

6

AFD 49 FAF 70

6792

6/11/70

Mr. (Ms.)

Notification dt. 19-11-70 issued on 20-11-70

May be recorded

24-11-70

24.11.70

Recorded
24-11-70

7

GOVERNMENT OF MYSORE

No. AFD 43 FRF 70 Mysore Government Secretariat,
Vikasa Soudha,
Bangalore dated 19th November 1970.

NOTIFICATION

In exercise of the powers conferred by Sub-Section (1) of Section 30 of the Mysore Forest Act, 1963 (Mysore Act 5 of 1964) read with section 21 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1900), the Government of Mysore hereby publish the notification No. F.1330/136742-J dated 16-9-1959 issued by the former Government of Madras under Sub-Section (1) of Section 35 of the Indian Forest Act 1927 (Central Act XVI of 1927).

By Order and in the name of the
Governor of Mysore,

S.N. Krishnamurthy
20/11/70 (S.N.Krishna Murthy)
Special Officer & Ex-Officio
Under Secretary to Government,
Agriculture & Forest Department.

To

The Director, Mysore Gazette, Bangalore, in duplicate for publication in the Gazette.

Copies to:

(1) The Chief Conservator of Forests (General) in Mysore, Bangalore. (with Records)
(2) The Divisional Commissioner, Belgaum.
(3) The Deputy Commissioner, Kanara Jaiwar.
(4) The Revenue Department for information.
(5) The Guard File.

mrds/19/11/70/

8

GOVERNMENT OF MYSORE

No. AFD 49 FRT 70

Mysore Government Secretariat,
Vikasa Soudha,
Bangalore dated 19th November 1970.

NOTIFICATION

In exercise of the powers conferred by Sub-section (1) of Section 35 of the Mysore Forest Act, 1963 (Mysore Act 5 of 1964) read with section 21 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899) the Government of Mysore hereby publish the Notification No. F.1955/139742-J dated 15-9-1955 issued by the former Government of Mysore under sub-section (1) of section 35 of the Indian Forest Act 1927 (Central Act XVI of 1927).

By order and in the name of the
Governor of Mysore,

D. N. Krishna Murthy
20/11/70 (D. N. Krishna Murthy)
Special Officer & Ex-officio
Under Secretary to Government,
Agriculture & Forest Department.

To

The Editor, Mysore Gazette, Bangalore, in duplicate for publication in the Gazette.

Copy to:

(1) The Chief Conservator of Forests (General) in Mysore, Bangalore. (with Records)
(2) The Divisional Commissioner, Belgaum.
(3) The Deputy Commissioner, Kanara Karwar.
(4) The Revenue Department for information.
(5) The Guard File.

mvds/191170/

9 9

GOVERNMENT OF MYSORE

NO.AFD 49 FAF 70

Mysore Government Secretariat
Vidhana Soudha, Bangalore, dt. October, 1970

NOTIFICATION

In exercise of the powers conferred by Sub-section (1) of Sec.39 of the Mysore Forest Act, 1963 (Mysore Act 5 of 1964) read with Section 21 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899) the Government of Mysore hereby rescinds the notification No.PRF.1053/104742-J dated 16-9-1955 issued by the ~~Former~~ Government of ~~Bombay~~ under Section 35 of the Indian Forest Act 1927 (Central Act XVI of 1927)

(sub-section (1) of

By Order and in the name of the
Governor of Mysore,

30/11/70

Under Secretary to Government,
Agriculture and Forest Department.

To, The Compiler, Mysore Gazette, Bangalore, in duplicate, for publication in the Gazette

Copy/-

CHIEF CONSERVATOR OF FORESTS.

Copies to:-
1) The C.F.(G) Bangalore (with Records)
2) The Dvl. Comm., Belgaum
3) The Dy. Comm., Dharwar
4) The RD- for information
5) The Guard file

MB/-

27/x/70 ISSUED

Date 29.11.1970

B3/95/GFL/2947/69-70.
Encl. Case papers

CHIEF CONSERVATOR'S OFFICE (GENL.)
Bangalore, dt. 6 October, 1970

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.
Sir,

Sub: Request of Smt. Kallwa Kom Siddappa Hongal MG and mother of Sri Basappa S.Hongal for withdrawal of S.35(1) of I.F.A applied to S.No.1/4 of B.K.Shigigatti Kalghatgi Taluka for cultivation.

Ref: Your No.AFD 49 FAF 70 dated 2-4-70.

R. & I. SECTION
A.G.P.D.
Date -7 OCT 1970

I enclose herewith a draft Notification under Section 39 of Mysore Forest Act 1963 to rescind the notification of ~~former~~ Government of ~~M~~Mysore for necessary further action.

The case papers are resubmitted herewith.

39018

Yoursfaithfully,

6276/RB/70

Chief Conservator of Forests.

MYSORE FOREST DEPARTMENT

11

From: To

The Divl.Forest Officer, Dharwar Dn, Dharwar.

The Conservator of Forests, Belgaum Circle, Belgaum.

No. Fop/FST/III/63-70 Dharwar. Dt: 2 -8-1969.

Sub:- Concellation of Section 35(i) applied to Sy.No. 114 of B.Shigigatti.

Sir,

In submitting herewith the application of Shrimati. Kallawwa Kom Siddappa Hongal of Muttagi requesting for withdrawal of section 35(i) of Indian Forest Act, applied to Sy.No.114 of B.Shigigatti I wish to state as under:-

2. The applicant is a minor guardian and mother ~~xxxix~~ of Shri. Basappa Siddappa Hongal or Muttagi. The Sy.No. 114 of B.Shigigatti was notified under section 35(i) of ~~xfxXx~~ Indian Forest Act under notification No.PRF.1053/104742-J of 16-7-1965. The applicant states that she is a widow and there is no other land except the present Sy.No as such it is very difficult to maintain the family consisting of her son and an old woman who is a mother of her husband. She desires to bring the area under ~~xxxxxxxxx~~ cultivation.

3. On enquary it is learnt that the Sy.No.contains no treegrowth except Shrubs. The configuration of the area is almost plain as such no soil erosion will take place. The Sy.No. is surrounded by Malki lands which are under cultivation. The Sy.No. admeasure 7 acres and 19gunthes. Since this is a piece of land it is not advantageous to keep the area under the Forest Department.

4. As per Government letter No.PRF/1353/7910-J. dated 5-3-1965 if the owner of forest land ~~xx~~,desires to bring the area under cultivation after issue of notification regarding its ~~xxxx~~, the Forest Department need not ordinarly object unless cultivation would lead to serious soil erosion. But in this case the area of the Sy.No.is almost plain and the question of soil erosion does not arise. Under the circumstances explained above the request of the applicant may please be considered favourably and the papers may be submitted for cancellation of the Section 35(i) applied to the Sy.No. one copy of the notification No.1053/104742-J dated 16-9-1965 is also enclosed herewith for favour of further action.

Yours faithfully,

T.G.Chandrasekhariah 2/8

(T.G.Chandrasekhariah)
Divisional Forest Officer,
Dharwar Division, Dharwar.

SF/1-8-

6 12

No.FOP/FST/DWR/496/(145)/69-70. Belgaum: 6th Decr'69.

To

The Chief Conservator of Forests,
in Mysore, Bangalore.

Sir,

Sub:- Request of Smt.Kallwwa Kom Siddappa Hangal M/G and mother of Shri Basappa S.Hangal for withdrawal of S.35(1) of I.F.A.applied to S.No.114 of BK.Shigigatti, Kalghatgi Taluka for cultivation.

I submit herewith Divisional Forest Officer, Dharwar's No.FOP/FSI/III/69-70 dated 2-8-1969 together with its enclosures and state as under:-

(1) The Divisional Forest Officer reports that one Smt. Kallawwa Kom Siddappa Hongal who is the minor guardian and mother of Shri Basappa Siddappa Hangal of S.No.114 of BK.Shigigatti, Kalghatgi Taluka has applied for withdrawal of Section 35 (1) of I.F.A.applied to the above S.No. which admeasures 7 acres and 19 gunthas on the ground that she has no other land except the above one and she finds very difficult to maintain the family. He states that the said S.No.is brought under the purview of S.35 (1) as per ex-Bombay Government Notification No.PRF.1053/104742-J dated 16-7-1955. He further states that the said area is fit for cultivation and is almost flat and there is no fear of soil erosion if it is brought under cultivation. He adds that the area contains only shrubs and there is no objection to rescind the above notification as per the provision contained in ex-Bombay Government letter No. PRF.1353/7910-J dated 5-3-1955.

(2) In view of the above, Government may kindly be moved to rescind the above notification, early.

Yours faithfully,

(Y.M.L.Sharma)
Conservator of Forests, B.C.

P.

AGRICULTURE AND FOREST DEPARTMENT

5

Sachivala a, Bombay. 16th September 1955. 13

INDIAN FOREST ACT, 1927.

No. PRF. 1053/104742-J-Whereas the Government of Bombay had issued a notice to Shrimati Ningavva Shivappa Hongal of Bk. Shigigitti, P.O. Kalghatgi, the owner of the forest specified in the schedule hereto annexed to show cause why a notification under sub-section (1) of section 35 of the Indian Forest Act, 1927, should not be issued prohibiting or regulating the acts specified in the notice;

And whereas the objection raised by the said owner to the issued of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Bombay that it is necessary.-

a) for the conservation of trees and forests;
~~b) for the maintenance, increase and distribution of~~
b) for the preseravation and improvement of soil or the protection of land against erosion, or the deposit thereon of sand, stone or gravel;
c) for the improvement of grazing;
d) for the maintenance, increase and distribution of the supply of fodder, leaf mannure, timber or fuel;
(e) for the preservation of the public health

(A) to prohibit in the forests specified in the schedule appended hereto the following acts:-
a) the firing or clearing of the vegetation.
b) the girdling, tapping of burning of any tree of the stripping off the bark of leaves from any tree,
c) the lopping and pollarding of trees.
d) the cutting sawing, conversion and removal of trees and timber (except as provided under "B" below)

(B) to regulate in the forests specified in the schedule appended hereto the following acts in the manner specified hefeunder:-
a) the breaking up or clearing of the land for cultivation. No portion of the land should be broken or cleared either by ploughing or digging without the express permission of the 'Divisional Forest Officer,
b) the pasturing of cattle-Not more that 15 (fifteen) bona fide domestic cattle can graze over the area in the manner to be prescribed by the Divisional Forest Officer, if necessary,
c) the quarrying of stones or burning of lime or charcoal or collection or removal of any forest proudce or its subjection to any manufacturing ~~produce or its subjection to any manufax~~ process:- this action of the owner is prohibited for sale or barter.
d) the cutting, uprooting or removal of trees and timber. No tree standing over the area should be either cut or ~~xxxxxxx~~uprooted without the express permission of the Divisional Forest Officer; (Note:- (A) dead wood either standing or fallen can be removed for pure domestic use. (b) "Tree" means as defined in section 2 of the Indian Forest Act.)

Now,

Now, therefore, in wxercise of the powers conferred by sub-section (1) of section 35 of the Indian Forest A-ct, 1927 (XVI of 1927), in its application to the State of Bombay, the Government of Bombay is pleased-

(A) to prohibit in the aforesaid forests the following acts:-
a) the firing or clearing of the vegetation,
b) the girdling, tapping or burning of any tree or the stripping off the bark of leaves from any tree,
c) the lopping and pollarding of trees,

P.T.O.

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d) the cutting, sawing, conversion and removal of trees and timber, (except as provided under "B" (Below);

(B) to regulate in the aforesaid forests the following acts in the manner specified hereunder:-

a) The breaking up or clearing of the Land for cultivation. No portion of the land should be broken or cleared either by ploughing or diggings without the express permission of the Divisional Forest Officer;

b) the pasturing of cattle- Not more than 15 (fifteen) bona fide domestic cattle can graze over the area the area in the manner to be prescribed by the Divisional Forest Officer, if necessary;

c) the quarrying of stones or burning of lime or charcoal or collection or removal of any forest produce or its subjection to any manufacturing process:- this action of the owner is prohibited for sale or barter;

d) the cutting, uprooting or removal of trees and timber, No tree standing over the area should be either cut or uprooted without the express permission of the Divisional Forest Officer, (Note.-(a) dead wood either standing or fallen can be removed for pure domestic use. (b) "Tree" means as defined in section 2 of the Indian Forest Act.)

Schedule.

District Dharwar. taluka Kalghatgi, village Bk. Shigigatti; survey No. 114; area 7 acres 19 gunthas. Boundaries:- North-F.S.No. 113; East Nalla; South- S.N.115; West- F.S.No. 113.

By order and in the name of the Governer of Bombay.

V.N.SARDESAI,
Secretary to Government.

SF/-

True copy -

for Divisional Forest Officer, 2/8/69
Dharwar Dn., Dharwar.

S I N-2 15

GOVERNMENT OF MYSORE

No. AFD 49 FAF 70. / Encl. Records.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 2-4-70 *196* .

FROM

The Secretary to the Government of Mysore,
Agriculture & Forest Department.

To The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Sub: Request of Smt.Kallwa Kom Siddappa Hongal M/G and mother of Sri Basappa S.Hongal for with drawl of S.35(1) of I.F.A.applied to S.No.114 of B.K.Shigigatti, Kalghatgi taluka for cultivation.

With reference to your letter No.B3/95/GFL/2947/69-70 dated 20-1-1970, on the above subject, I am directed to request you to furnish a draft notification under the relevant provisions of the Mysore Forest Act, 1963, to rescind the notification No.PRF.1053/104742-J dated 16-7-55 issued by the erstwhile Bombay Government. Records are returned herewith for reference and return.

Yours faithfully,

2.4.70

(N.Shantha Raju)
Section Officer,
Agri. & Forest Department.

hns/1-4/

SLAFER 16 2

Subject:- Act of.

No. 1

No. AFD 49 FAF 70.

To, The C.C.F. Bangalore

Sir,

With reference to your letter No. B-3/95/GFL/2947/69-70 dt. 20-1-70, on the above subject, I am directed to request you to furnish a draft Notification under the relevant provisions of the Mysore Forest Act, 1963, to rescind the Notification No. PRF-1053/104742-J dt. 16-7-955 issued by the erstwhile Bombay Govt. Records are returned herewith for reference and return.

B-1

Placed below

YF
30/3/70
S.O. A.F. Deptt.

ISSUED
Dated 24/4/70

Sl. No 1

17 1

No.B3/95/GFL/2947/69-70.
Case papers

Chief Conservator's Office
Bangalore:Dated: 20-1-1970.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

628/78/70

Sir,

Sub:-Request of Smt.Kallwwa Kom Siddappa Hongal M/G and mother of Shri.Basappa S.Hongal for withdrawal of 5.35(1) of I.F.A.applied to S.No.114 of B.K.Shigigatti,Kalghatgi Taluka for cultivation.

516/RA/70
21/1

I enclose herewith a copy of letter No.FCP/FST-DWR/496/(145)/69-70 Dated 6-12-69 with its accompaniments received from the Conservator of Forests, Belgaum recommending withdrawal of the Notification in respect of Sy.No.114 of BK.Shigigatti Kalghatgi Taluka, Dharwar District issued under Section 35 (1) of the Indian Forest Act by the erstwhile Bombay State. Sy.No.114 of BK.Shigigatti was notified under Bombay Government's Notification No.PRF-1053/104742-J Dated 16-7-1955. It is reported by the Divisional Forest Officer, Dharwar that the area contains only shrubs, the area is flat and there is no fear of Soil erosion if the area is brought under cultivation.

Orders of Government may therefore, kindly be obtained rescinding the above Notification issued by the Ex-Bombay Government under Section 35 (1) of Indian Forest Act and communicated to this office early.

Yours faithfully,

D. Nanjundappa 19/1
Chief Conservator of Forests

N.

Forest B- 28/1

Sri K 22/1